

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRIAN E. ELLIOT,

Plaintiff,

v.

OFFICER McCHEFSKY, ET AL.,

Defendants

Civil Action

No. 08-5429

ORDER

AND NOW, this 24th day of September, 2009, for the reasons stated in the accompanying memorandum, it is ORDERED that defendants' motion to dismiss (docket no. 8) is GRANTED and plaintiff's complaint (docket no. 3) is dismissed without prejudice.

BY THE COURT:

/ s / Louis H. Pollak, J.
Pollak, J.